

GUAM ANCESTRAL LANDS COMMISSION
REGULAR MEETING MINUTES
Via Zoom with Live-Streaming on YouTube
July 13, 2022 • 2:15 p.m. to 4:43 p.m.

CALL TO ORDER

Chairman Eclavea called the virtual, regular meeting of the Guam Ancestral Lands Commission (GALC) to order at 2:15 p.m. In compliance with Public Law 24-109, the Commission announced the meeting in the *Guam Daily Post* on Wednesday, July 6, 2022 and Monday, July 11, 2022.

ROLL CALL

Executive Director Burch took roll call and stated they had a quorum.

Commission Members Present

Ronald F. Eclavea, Chairman
Ronald T. Laguana, Vice Chairman (logged off at approximately 3:18 p.m.)
Maria G. Cruz, Secretary/Treasurer
Angela M. Camacho, Commissioner
Anita F. Orlino, Commissioner
Jeffrey B. Rios, Commissioner

Absent

Louisa F. Wessling, Commissioner (excused)

Management and Staff Present

John T. Burch, Executive Director
Nicolas E. Toft, Legal Counsel, Office of the Attorney General (OAG)
Cathi T. C. Blas, Special Projects Coordinator
Joey Leon Guerrero, Land Agent II
Andy Mendiola, Land Agent I
Mara Perez, Administrative Aide

Also Present

Mary Camacho, Real Property Supervisor, Guam Economic Development Authority (GEDA)
Mike Cruz, Project Manager, GEDA
Tony Arriola, Program Coordinator III, GEDA
Meagan Obispo, Program Coordinator I, GEDA
Antonio C. Limtiaco
Carmelina A. Limtiaco
Daniel Swavely, Smithbridge Guam
Jennifer Calvo, Esq., Northern Market
Carlos Camacho, Northern Market
William Bischoff, Esq.
Joaquin Concepcion, Office of Speaker Terlaje

APPROVAL OF MINUTES

June 8, 2022 Minutes

Motion to approve the June 8, 2022 Regular Meeting Minutes, subject to corrections (per audio recording), made by Vice Chairman Laguana, seconded by Secretary/Treasurer Cruz. There was no discussion. Chairman Eclavea called for a vote. Motion passed, 6-0.

AGENDA

Motion to amend the agenda so that the Title Hearing is conducted after the Approval of Minutes and before the Executive Director's Report made by the Vice Chairman, seconded by Commissioner Orlino. There was no discussion. The Chairman called for a vote. Motion passed, 6-0.

TITLE HEARING

Lot Number	Municipality	Released Parcel	Ostensible Landowner at the Time of Taking
429.2	Asan	Within Asan Annex Parcel 2	Joaquin A. Limtiaco

Exhibits of documentation presented in evidence by Mr. Joey Leon Guerrero can be found in the Meeting Packet.

Executive Director Burch stated they were in session for the purpose of a Title Hearing on Applications for Ancestral Lands Claims. He said there were 6 Commissioners present and that they had a quorum.

The Chairman said notices of the Title Hearing were published on Wednesday, July 6, 2022 and on Monday, July 11, 2022 in the *Guam Daily Post*. He then stated the procedures that would be followed for the hearing.

The Director stated the applicants will be charged \$25 per deed for the deed recordation plus an additional \$2.50 for each affidavit, for a total of \$27.50. He said this payment needed to be made at the deed signing ceremony. He added the payment could be a personal check or money order payable to the Treasurer of Guam.

The Chairman stated the Title Hearing was for Lot 429-2 in the Municipality of Asan, that it was within Asan Parcel 2, and that the ostensible landowner at the time of taking was Joaquin A. Limtiaco.

Mr. Antonio C. Limtiaco introduced himself as the applicant. He stated Mr. Joey Leon Guerrero would be assisting with presenting the evidence supporting his application.

Secretary/Treasurer Cruz administered oaths to Mr. Limtiaco and to his wife, Carmelina A. Limtiaco.

Mr. Leon Guerrero shared his computer screen on which he displayed the following exhibits:

Exhibit A

- Ancestral Title and Compensation Application of Antonio Castro Limtiaco
- Affidavit of Applicant
- Birth Certificate of Antonio Castro Limtiaco
- California Certificate of Death of Joaquin A. Limtiaco
- Family tree of Joaquin A. Limtiaco
- Copy of Antonio Castro Limtiaco's U.S. Passport
- Applicant's Claim of Interest

Exhibit B

- 1941 Tax Roll for Asan – Suburban: Recorded Owner – LIMTIACO, Joaquin A Lot 429-2 Asan

Exhibit C

- District Court Order and Judgement on Stipulation under Civil Case No. 7-50 for the taking of Lot 429-2 Asan owned by Joaquin A. Limtiaco and setting aside the sum of \$1,140.00 for the fee simple taking.

Exhibit D

- Quitclaim Deed Asan Annex Parcel 2 by and between the UNITED STATES OF AMERICA and the GOVERNMENT OF GUAM Instrument No. 623928.

Exhibit E

- Grant Deed between the Government of Guam and the Guam Ancestral Lands Commission Asan Annex Parcel 2 among other parcels Instrument No. 628549.

Exhibit F

- Surveyor's Certification for Lot 429-2 Asan from Elmer M. Pineda, Professional Land Surveyor #82 concluding that Lot No. 429-2 is within the boundary of returned parcel identified as the Asan Annex Parcel 2.
- Map Exhibits of Lot 429-2 Asan.

Exhibit G

- Abstract of Title from Title Guaranty of Guam, Inc. for Lot 429-2 Asan.

Mr. Leon Guerrero said the Claim of Interest had been recorded with the Department of Land Management (DLM) under Instrument Number 964799. After presenting the exhibits in evidence, Mr. Leon Guerrero stated the applicant is requesting for the approval of his application to return Lot 429-2 Asan to the estate of his father, Joaquin A. Limtiaco.

Motion made by Vice Chairman Laguana to approve the application for Lot 429-2 in the Municipality of Asan within Asan Annex Parcel 2, with the Ostensible Owner of Joaquin A. Limtiaco, for the estate of Joaquin A. Limtiaco, based on the evidence presented by GALC Land Agent II Mr. Joey Leon Guerrero. Motion seconded by Secretary/Treasurer Cruz. Chairman Eclavea asked if there was anyone present who wished to make a statement contravening the evidence presented today or was in disagreement with the applicant's claim of ancestral lands ownership. No one spoke in opposition. The Chairman called for a vote. Motion passed, 6-0.

The Chairman then stated that the Commission grants Title. He said a public notice will be published. He stated there will be a 10-day appeal period. He said in the absence of any appeals, GALC staff will arrange a deed signing ceremony.

Mr. Limtiaco asked about the fact that Lot 429-2 is land-locked.

Mr. Leon Guerrero stated the Commission was unable to do anything about that situation. He said they could address this concern in the future by stipulating that access be provided to surrounding lots.

The meeting was recessed at 3:18 p.m., and the Vice Chairman logged off.

The meeting was reconvened at 3:31 p.m.

EXECUTIVE DIRECTOR'S REPORT

This report has been attached at the end of these minutes.

Executive Director Burch reported on the following: GALC's new Land Agent I; the Governor's Summer Youth Employment Program (GSYEP); GALC FY 2023 Budget Hearing – Bill No. 276-36 (COR); and the Technical Assistance Program (TAP) Grant.

Motion to approve \$170 to detail the official vehicle for the purpose of the upcoming Liberation Parade made by Commissioner Orlino, seconded by Secretary/Treasurer Cruz. There was no discussion. The Chairman called for a vote. Motion passed, 5-0.

GEDA PROGRESS REPORT – Presented by Tony Arriola

This report has been attached at the end of these minutes.

Secretary/Treasurer Cruz and Commissioner Camacho asked what Northern Market's plan was for paying off their arrears.

Ms. Jennifer Calvo said Northern Market had executed a lease for the Bank of Guam. She said they were finalizing a lease with King's. She also mentioned other potential tenants. She stated if their construction loan is obtained within the deferral period, then they would be able to make a lump sum payment on their arrears.

Mr. Carlos Camacho stated they hoped to have a more detailed financial report for the Commission by August.

The Chairman asked Mr. Mike Cruz to report on the RFP for a 5-year lease of approximately 13 acres at Polaris Point with Smithbridge.

Mr. Cruz explained in detail the process that GEDA, the Director and the Vice Chairman went through in negotiating a lease with Smithbridge.

Attorney Toft advised the Chairman to create a subcommittee to go over the specific terms of the lease in order to put forth recommendations to the rest of the Board. He said he would work on the detail-

oriented aspects in the meantime. He stated this would be the quickest and most efficient resolution to this.

The Chairman asked if a subcommittee was necessary.

Attorney Toft said he saw that as the quickest way to finalize the lease given that Smithbridge wanted to move on it quickly.

The Director stated the Board could have a Special Meeting on July 27 to address this issue. The Board agreed.

Mr. Cruz said there was also the matter of the license agreement Smithbridge and GALC, which expired June 30. He said GEDA recommended that GALC extend the license. The Board discussed the recommendation.

Motion to extend GALC's Polaris Point license agreement with Smithbridge until the end of August at the same license rate made by Commissioner Rios, seconded by Commissioner Camacho. There was no further discussion. The Chairman called for a vote. Motion passed, 4-0.

OLD BUSINESS

- Northern Market Status Update (Loan Application & Deferment Conditions)
- Guam Environmental Protection Agency (Payment Status)
- Department of Public Health-WIC Program (Payment Status)

All Old Business was covered in GEDA's Progress Report.

NEW BUSINESS

None.

PUBLIC COMMENTS

Attorney William Bischoff said he checked the court file on the Jose Martinez Torres case, a \$20 million case. He said the AG's Office gave the Commission incorrect information about the case back in February. He said the Commission might want to demand that the AG's Office give them the full story on that case as soon as possible.

The Chairman asked Attorney Bischoff to elaborate.

Attorney Bischoff said the AG's Office agreed with (Attorney Joseph) Razzano's Office to completely dismiss the case 2 years ago. He said he thinks GALC needs to demand an explanation from the AG's Office about what went on in that case given that the Estate of Jose Martinez Torres would have owed \$20 million to GALC had the AG won the case.

Legal Counsel Toft said he would get a status update on all the litigation for the next meeting and have that on the agenda.

The Chairman asked legal counsel to look into several other properties in the same area that GALC is in litigation with.

Legal Counsel Toft said he would give updates on all of it.

ANNOUNCEMENTS

- The next GALC Special Board Meeting was scheduled for July 27, 2022.
- The next GALC Regular Board Meeting was scheduled for August 10, 2022.

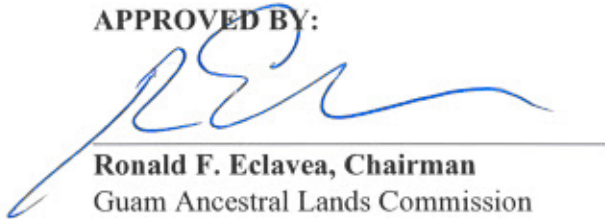
ADJOURNMENT

The Chairman thanked everyone and adjourned the meeting at 4:43 p.m.

Additional Remarks: Please refer to the Office of Public Accountability's (OPA) website for the GALC Board Meeting Audio Recording for detailed information.

Executive Director's report and the GEDA report are attached and made a part of these minutes.

APPROVED BY:



Ronald F. Eclavea, Chairman
Guam Ancestral Lands Commission

DATE APPROVED:

August 10, 2022

SUBMITTED BY:



Mara Perez, Administrative Aide
Guam Ancestral Lands Commission

REVIEWED AND APPROVED BY:



John T. Burch, Executive Director
Guam Ancestral Lands Commission

MEMORANDUM

Date: July 13, 2022
To: All Members, Guam Ancestral Lands Commission
From: Executive Director
Re: Executive Director's Report

The following are updates for the Guam Ancestral Lands Commission.

Land Agent I:

Mr. Antolin "Andy" Mendiola is now employed here at GALC as a Land Agent I on a limited term appointment effective June 6, 2022. For approximately two years, under the supervision of Joey Leon Guerrero, Andy has trained here at GALC for this position through the Department of Labor's Senior Community Service Employment Program (SCSEP). Andy sets high standards for himself and achieves them. It is a pleasure working with Andy and we are very happy to officially welcome him on board.

Governor's Summer Youth Employment Program (GSYEP):

The Governor's Summer Youth Employment Program, a six week program, began June 20, 2022 and will end July 29, 2022. Participants must be between the ages of 14 to 17, a resident of Guam, and capable of completing 30 hour work weeks.

This program provides our island's young people the opportunity to participate directly in our government and explore the potential of a future in public service. The three GSYEP interns assigned to the Guam Ancestral Lands Commission are assigned to inventory and organize the John Bohn and Client Application Files.

Our interns are:

- Maria Conchita Laximana - Academy of Our Lady (Incoming Junior)
- Magahet Jackson - Tiyan High School (Incoming Junior)
- Jayvier Taimanglo - John F. Kennedy High School (Incoming Senior)

GALC FY 2023 Budget Hearing – Bill No. 276-36 (COR):

We received notice that the GALC FY 2023 Budget Hearing will be held Tuesday, July 19, 2022 at 2:00 p.m. at the Guam Legislature's Public Hearing Room.

The Commission's FY 2023 Budget Request is \$498,722. \$408,553 to be funded by the GALC SIDF and \$90,169 to be funded by the General Fund as recommended by Senator San Agustin during a public hearing on Bill No. 225-36 (COR), "An Act to appropriate \$90,169.40 from the General Fund (Fund 309 – Agana Fractional Lots) to the Guam Ancestral Lands Commission augmenting operational capacity to administer ancestral property right claims for excess lands returned by the federal government." The increase in funds will be used to hire two land agents and to purchase necessary equipment to preserve important public documents.

Technical Assistance Program (TAP) Grant:

The Office of Insular Affairs (OIA) awarded the Guam Ancestral Lands Commission a \$185,301 Technical Assistant Program Grant for our IT Infrastructure Upgrade and Modernization project, as detailed in our proposal submitted on March 24, 2022. The grant award period is June 1, 2022 through September 30, 2025.

The Grant Project Manager for this project is Cathi Blas, GALC Special Projects Coordinator and the OIA Grant Manager for this project is Hailey McCoy, Grants Management Specialist, Office of Insular Affairs Department of the Interior.

Thank you for the opportunity to present this update. Please let me know if further information is required.

Attachments:

TAP-Guam-2022-5 GALC Grant Award Documents



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

June 23, 2022

The Honorable Lourdes Leon Guerrero
Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

Dear Governor Leon Guerrero:

I am pleased to award \$3,001,886 to Guam through the Office of Insular Affairs' (OIA) discretionary grant programs. Technical Assistance Program (TAP) funding is being awarded to the Government of Guam for the following projects:

- \$450,000 to the Office of the Lieutenant Governor for the Grants Management Training Program, as detailed in the proposal submitted on April 14, 2022;
- \$239,693 to the Chamorro Land Trust Commission, for the Enhancement of the Chamorro Land Trust Commission Information Technology Infrastructure project, as detailed in the proposal submitted on March 30, 2022;
- \$185,301 to the Guam Ancestral Lands Commission for the IT Infrastructure Upgrade and Modernization project, as detailed in the proposal submitted on March 24, 2022; and
- \$178,750 for Unmanned Aerial Vehicles/Unmanned Aerial Systems Public Safety Acquisition to Enhance Field Operations, as detailed in the proposal submitted on March 30, 2022. OIA is not funding additional drones at this time and would instead encourage the Bureau of Statistics and Plans to allow use of the drones purchased under this grant be used by resource management agencies when available.

OIA is also awarding TAP funding to nonprofit organizations and educational institutions for the following projects:

- \$748,095 to Mañe'lu for the Micronesian Resource Center One Stop Shop;
- \$500,000 to the Association of State and Territorial Health Officials for the Guam Interagency Business Process Improvement project;
- \$74,040 to Guam Community College (GCC) for the GCC Grant Writing, Fund Development, and Financial Management Training project; and
- \$49,468 to the University of Guam for Marine Resources Education project.

In addition, Maintenance Assistance Program (MAP) funding is being awarded to the Government of Guam for the following projects:

- \$205,664 to the Department of Public Works for the Transportation Maintenance and Fleet Support program, as detailed in the proposal submitted on March 31, 2022;

- \$165,375 to the Port Authority of Guam for the Generator Maintenance and Sustainment Program, as detailed in the proposal submitted on April 13, 2022;
- \$130,500 to the Guam Waterworks Authority for the Operations and Maintenance Training Program, as detailed in the proposal submitted on March 30, 2022; and
- \$75,000 to the Guam Veterans Affairs Office for Guam Veterans Cemetery Specialized Equipment Purchase, as detailed in the purpose submitted on April 14, 2022.

The grant award documents will be sent to your staff by our grant managers. Please contact me or have your staff contact Hailey McCoy (TAP) at (202) 578-1771 or Hailey_McCoy@ios.doi.gov, or Weihao Feng (MAP) at (202)-208-6974 or Weihao_Feng@ios.doi.gov, should you have any questions or concerns regarding these grants.

We look forward to working with you and your staff to implement these grants.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keone Nakoa', written in a cursive style.

Keone Nakoa
Deputy Assistant Secretary
Insular and International Affairs

cc: The Honorable Michael San Nicolas

1. DATE ISSUED MM/DD/YYYY 06/28/2022		1a. SUPERSEDES AWARD NOTICE dated except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 15.875 - Economic, Social, and Political Development of the Territories			
3. ASSISTANCE TYPE Project Grant			
4. GRANT NO. D22AP00108-00 Originating MCA #		5. TYPE OF AWARD Other	
4a. FAIN D22AP00108		5a. ACTION TYPE New	
6. PROJECT PERIOD From MM/DD/YYYY 06/01/2022		Through MM/DD/YYYY 09/30/2025	
7. BUDGET PERIOD From MM/DD/YYYY 06/01/2022		Through MM/DD/YYYY 09/30/2025	

NOTICE OF AWARD



AUTHORIZATION (Legislation/Regulations)

48 U.S.C. 1469d, General technical assistance

8. TITLE OF PROJECT (OR PROGRAM) IT Infrastructure Upgrade and Modernization of the Guam Ancestral Lands Commission			
9a. GRANTEE NAME AND ADDRESS GOVERNMENT OF GUAM- DEPARTMENT OF ADMINISTRATION PO BOX 2950 Hagatna, GU, 96932-2950		9b. GRANTEE PROJECT DIRECTOR Catherine Blas217563 P.O. Box 884 Hagatna, GU, 96932-0884 Phone: 6714735263	
10a. GRANTEE AUTHORIZING OFFICIAL Mr. John Burch 590 S MARINE CORPS DRIVE STE 219 ITC BUILDING TAMUNING, GU, 96913 Phone: 202-578-1771		10b. FEDERAL PROJECT OFFICER Ms. Hailey McCoy 1849 C St, NW 3117 Washington, DC, 20240 Phone: 202-513-7746	

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)				12. AWARD COMPUTATION			
I Financial Assistance from the Federal Awarding Agency Only				a. Amount of Federal Financial Assistance (from Item 11m) \$ 185,301.00			
II Total project costs including grant funds and all other financial participation				b. Less Unobligated Balance From Prior Budget Periods \$ 0.00			
a. Salaries and Wages \$ 0.00				c. Less Cumulative Prior Award(s) This Budget Period \$ 0.00			
b. Fringe Benefits \$ 0.00				d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION \$ 185,301.00			
c. Total Personnel Costs \$ 0.00				13. Total Federal Funds Awarded to Date for Project Period \$ 185,301.00			
d. Equipment \$ 0.00				14. RECOMMENDED FUTURE SUPPORT			
e. Supplies \$ 13,603.00				(Subject to the availability of funds and satisfactory progress of the project):			
f. Travel \$ 0.00				YEAR TOTAL DIRECT COSTS YEAR TOTAL DIRECT COSTS			
g. Construction \$ 0.00				a. 2 \$ d. 5 \$			
h. Other \$ 0.00				b. 3 \$ e. 6 \$			
i. Contractual \$ 171,698.00				c. 4 \$ f. 7 \$			
j. TOTAL DIRECT COSTS \$ 185,301.00				15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:			
k. INDIRECT COSTS \$ 0.00				a. DEDUCTION b. ADDITIONAL COSTS c. MATCHING d. OTHER RESEARCH (Add / Deduct Option) e. OTHER (See REMARKS)			
l. TOTAL APPROVED BUDGET \$ 185,301.00				b			
m. Federal Share \$ 185,301.00				16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDOING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:			
n. Non-Federal Share \$ 0.00				a. The grant program legislation. b. The grant program regulations. c. This award notice including terms and conditions, if any, noted below under REMARKS. d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.			

REMARKS (Other Terms and Conditions Attached - ☒ Yes ☐ No)

TAP-Guam-2022-5

Technical Assistance Program

Guam Ancestral Lands Commission IT Infrastructure Upgrade

GRANTS MANAGEMENT OFFICIAL:

Hailey McCoy, Grants Management Specialist
1849 C St, NW
3117
Washington, DC, 20240
Phone: 202-513-7746

17. VENDOR CODE 0070314537			18a. UEI J5DHQHSHTJE7 18b. DUNS 778904292			19. CONG. DIST. 00
LINE#	FINANCIAL ACCT	AMT OF FIN ASST	START DATE	END DATE	TAS ACCT	PO LINE DESCRIPTION
1	0051022501-00010	\$185,301.00	06/01/2022	09/30/2025	0412	TAP-Guam-2022-5

NOTICE OF AWARD (Continuation Sheet)

PAGE 2 of 2	DATE ISSUED 06/28/2022
GRANT NO. D22AP00108-00	

Performance Progress Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
06/01/2022	06/30/2022	Semi-Annual	07/30/2022
07/01/2022	12/31/2022	Semi-Annual	01/30/2023
01/01/2023	06/30/2023	Semi-Annual	07/30/2023
07/01/2023	12/31/2023	Semi-Annual	01/30/2024
01/01/2024	06/30/2024	Semi-Annual	07/30/2024
07/01/2024	12/31/2024	Semi-Annual	01/30/2025
01/01/2025	06/30/2025	Semi-Annual	07/30/2025
07/01/2025	09/30/2025	Final	01/28/2026

AWARD ATTACHMENTS

GOVERNMENT OF GUAM- DEPARTMENT OF ADMINISTRATION

D22AP00108-00

1. OIA Terms and conditions

U.S. Department of the Interior – Office of Insular Affairs (OIA)

GRANT TERMS AND CONDITIONS

Acceptance of a Federal Financial Assistance award from the Department of the Interior (DOI) carries with it the responsibility to be aware of and comply with the terms and conditions of award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. Awards are based on the application submitted to, and as approved by DOI and are subject to OIA's Standard Terms and Conditions as detailed in this document, as well as DOI's Standard Terms and Conditions which can be found at the following link: <https://www.doi.gov/sites/doi.gov/files/migrated/doi-standard-award-terms-and-conditions-effective-december-2-2019.pdf>.

1. Recipient Responsibilities

You as the recipient are responsible for compliance with the provisions of all laws and regulations governing the use of Federal grant funds, as applicable. In those instances in which you are not in compliance with applicable laws or regulations, or do not believe you can comply, you should immediately notify the Office of Insular Affairs (OIA). If feasible, the OIA will provide assistance to help correct the deficient area(s). **Failure of a recipient to comply with any applicable laws and regulations may be the basis for withholding payments and/or for grant termination. OIA strongly urges all grant recipients to review the changes to 2 CFR 200 that went into effect on November 12, 2020.**

2. Limitations on the Use of Grant Funds

Grant funds are not to be used for any purpose other than that for which they are offered without prior approval from the OIA. Any change in the approved scope of work or project budget must be submitted to the grant manager for approval. Changes shall not be implemented until the OIA grant manager sends written approval to the grantee. Costs associated with the administration of OIA grant projects and programs by the grantee are to be charged against the grant funds only as approved in the project budget.

3. National Environmental Policy Act (NEPA)

Prior to the start of any activity, the grantee will prepare documentation necessary to comply with DOI Secretarial Order (S.O.) 3389, the National Environmental Policy Act (NEPA) and all applicable environmental laws and regulations and submit them to OIA for review and approval. If an Environmental Assessment (EA) is required, the grantee and/or its agent will prepare a proposed EA for independent review by OIA. If it is determined that an Environmental Impact Statement (EIS) is required, the grantee shall prepare an EIS in accordance with 40 CFR 1506.2 and 1506.5.

a. Costs may not be incurred, and work may not commence on the project until OIA has issued an Authorization to Proceed (ATP). The grantee may, however, incur costs associated with obtaining all the required environmental documentation.

b. Upon project completion, an assessment should be conducted to report on significant impacts or findings which were or were not anticipated by the NEPA approval. This assessment should be appended to the final performance report, which is due in <https://www.GrantSolutions.gov> 120 days after expiration or termination of the agreement

4. Marketing and Branding

A graphic of the U.S. flag, accompanied by the following language, "Funding provided by the U.S. Department of the Interior, Office of Insular Affairs", should be displayed on all signage that is intended to identify the project and funders, as appropriate. The graphic and language should be included for all programs, projects, assistance, activities, and public communications, including news articles, partially or fully funded by the Office of Insular Affairs. The U.S. flag may replace or be used in conjunction with the Department of the Interior, Office of Insular Affairs seal. If the seal is displayed, it must remain intact and unchanged, and may only be displayed using either the standard color scheme or a single color that complements the background where it appears. The U.S. flag and language should be publicly displayed on the final product. The OIA grant manager should be contacted for an electronic version of the U.S. flag and Office of Insular Affairs seal if needed.

5. Scope of Work Requirements

- a. Costs associated with the administration of OIA grant projects and programs are to be charged against the grant funds only as approved in the project budget from the proposal. Outside expertise may be procured and charged against the grant only if it is included in the project budget and approved by OIA.
- b. Any substantial change in the scope of work or project budget must be submitted to the Grant Manager. The project revisions shall not be implemented until the OIA Grant Manager sends written approval to grantee. If a construction activity is involved and the grantee proposes a substantial change to the scope of work or if significant new circumstances or information emerge, OIA will determine whether supplemental environmental documentation must be prepared to comply with NEPA and all other environmental laws and regulations. This determination must be made prior to OIA approval of any project revisions.

The OIA Grant Manager must be informed in writing of any changes to the proposed project schedule that are likely to cause substantial delays to the project's completion.

6. Procurement of Goods and Services with Grant Funds and Record Retention

All grant awards and sub-awards must fully comply with the procurement regulations as detailed in the applicable subparts of 2 CFR 200, Subpart D, "Post Federal Award Requirements", including updates to the NDAA Micro-Purchases and Simplified Acquisition Thresholds policy, implemented on December 23, 2017; and all other Congressional directives and guidance for the use or reprogramming of appropriated funds. Records related to this award, including procurement records, must be retained and made accessible per the requirements of the applicable retention and access requirements as detailed in 2 CFR 200, Subpart D, .333-.337, "Record Retention and Access.". The OIA shall have the right to access any pertinent books, documents, papers, or other records of grantees and sub-grantees which are pertinent to the grant, including but not limited to procurement records, to determine compliance with the applicable laws and regulations.

7. Capital Assets: Land, Buildings, Equipment

- a. Capital assets, equipment and disposition, 2 CFR 200.11 to 200.13 and 2 CFR 200.311, and Depreciation, 2 CFR 200.436 and 2 CFR 200, Appendices III through IX. Capital assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with Generally Accepted Accounting Principles, Capital assets include: (a) Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and (b) Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially

increase their value or useful life (not ordinary repairs and maintenance).

- b. When tangible personal property (equipment and supplies) is present, a SF-428, Tangible Personal Property Report is required to be completed and submitted to OIA through <https://www.GrantSolutions.gov>. The SF-428 is a standard form used to collect information related to tangible personal property (equipment and supplies). The form consists of the cover sheet, SF-428, and three attachments to be used as required: Annual Report, SF-428A; Final (Award Closeout) Report, SF-428B; and a Disposition Request/Report, SF-428C. A Supplemental Sheet, SF-428S, may be used to provide detailed individual item information. As of January 2021, all reports must be submitted through GrantSolutions (see "Reporting Requirements" section below).
- c. When real property is present, a SF-429, Real Property Status Report is required to be completed and submitted to OIA through <https://www.GrantSolutions.gov>. The SF-429 is a standard report used to report real property status, SF-429A, or to request agency instructions on real property, SF-429B and C, that was/will be provided as Government Furnished Property (GFP) or acquired (i.e., purchased or constructed) in whole or in part under the agreement. This includes real property that was improved using Federal funds and real property that was donated to a Federal project in the form of a match or cost share donation. This report is to be used for awards that establish a Federal Interest on real property. This report should be used to report on or request instructions for single/individual and/or multiple parcels of real property (land, buildings, etc.). The report elements are contained in SF-429A, and the request elements are contained in SF-429B and C. As of January 2021, all reports must be submitted through GrantSolutions (see "Reporting Requirements" section below).

8. Grant Fund Payment and Drawdown Requirements

A completed SF-270 Request for Advance or Reimbursement, along with supporting documentation (e.g. receipts, invoices), must be submitted to the OIA grant manager for the drawdown of funds. The SF-270 shall specify the OIA grant number, recipient bank account number in which the funds are to be deposited as well as the American Banking Association (ABA) routing number, for the electronic transfer of funds. The frequency of drawdowns is up to the grantee's discretion. When the grant expires, the final liquidation period is 120 days after expiration.

9. No-cost extension requests

- a. If the recipient determines additional time is required to complete the project's original scope with the funds already made available, an authorized official of the recipient institution may submit a request to the awarding officer to extend the award for up to one year. Extension requests must be made at least ten calendar days before the original period of the performance ending date and explain the reason for the request. Extensions are not automatic and not merely to use unobligated balances. The awarding official will inform the recipient in writing as to whether an extension request has been granted.
- b. The request must contain, at a minimum, the following information:
 - The length of additional time required to complete project objectives and a justification for the extension.
 - A summary of progress to date (a copy of the most recent report progress report is acceptable provided the information is current).
 - An estimate of funds expected to remain unobligated on the scheduled period of performance end date.
 - A projected timetable to complete the portion(s) of the project.
- c. More than one no-cost extension is unallowable except when there are exceptional circumstances. The grantee's Authorized Representative must submit the requirements identified

through an "extenuating circumstance" justification and provide the minimum information required in this notice.

10. Reporting Requirements

- a. A SF-425 Federal Financial Report and a narrative project status report will be submitted *in Grant Solutions* semi-annually, according to the following schedule:

Reporting Period	Semiannual Report Due Date
January 1 – June 30	July 31
July 1 – December 31	January 31

- b. Reports are due within 30 days of the end of the period. Final reports are due 120 days after the expiration or termination of the award.
- i. Upon project completion, an assessment should be conducted to report on significant impacts or findings which were or were not anticipated prior to project commencement. This assessment should be appended to the final performance report. A template may be provided at the recipient's request.

For additional requirements on sub-awards and executive compensation, refer to 2 CFR 170.

11. Conflicts of Interest

a. Applicability

- i. This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.
- ii. In the procurement of supplies, equipment, construction, and services by recipients and by sub-recipients, the conflict of interest provisions in 2 CFR 200.318 apply.

b. Requirements

- i. Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.
- ii. In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or sub-recipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or sub-recipient or in development of the requirement leading to the funding announcement.
- iii. No actual or prospective recipient or sub-recipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or sub-recipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or sub-recipient.

c. Notification

- i. Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of interest.

- ii. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub-recipients.
- d. Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 USC 1352.
- e. Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.
- f. Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

12. Data Availability

- a. Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.
- b. Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.
- c. Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third party evaluation and reproduction of the following:
 - (i) The scientific data relied upon;
 - (ii) The analysis relied upon; and
 - (iii) The methodology, including models, used to gather and analyze data.

13. Contact Information

- a. Recipient grant manager:
Ms. Catherine Blas, Special Projects Coordinator
Guam Ancestral Lands Commission
Government of Guam
P.O. Box 2950, Hagåtña, Guam 96932
Tel: 671-473-5263 ext816
cathi.blas@galc.guam.gov
- b. OIA grant manager:
Hailey McCoy
Grants Management Specialist
Office of Insular Affairs
U.S. Department of the Interior
1849 C Street, NW - MS 3117
Washington, DC 20240
Phone: 202-513-7746
Hailey_McCoy@ios.doi.gov

14. Terms and Conditions Reminder

This Agreement is subject to both DOI's Standard Terms and Conditions which are incorporated by weblink, and the above-listed Special Terms and Conditions. Failure to comply with program objectives, terms and conditions of the grant award, and reporting requirements may result in the withholding of funds and/or termination of the grant.

LOURDES A. LEON GUERRERO

Governor of Guam
I Maga'Haga Guahan

JOSHUA F. TENORIO

Lt. Governor of Guam
I Segundo Na Maga Lohen Guahan

**GUAM
ECONOMIC
DEVELOPMENT
AUTHORITY**
America in Asia

Aturidãd Inadilãnton Ikunumihañ Guahan

MELANIE MENDIOLA

Chief Executive Officer/Administrator
Atkãdi Eksekutibu Ofisiat/Atmenestradora

CARLOS P. BORDALLO

Deputy Administrator
Sigundon Atmenestrador

MEMORANDUM

Date: July 1, 2022
To: Executive Director, Guam Ancestral Lands Commission
From: CEO / Administrator
Subject: GEDA Monthly Progress Report

Hafa Adai!

The following is a progress report on GEDA's efforts to manage Land Bank Trust properties as required by Section 1(i) of the MOU between GEDA and GALC Land Bank Trust:

➤ **Wettengel Junction : Northern Market, LLC (NM)**

Monthly Rent	Outstanding Balance
\$ 27,854.51	\$1,336,139.09

- Total Deferred Balance (\$1,125,082.72) and Total Interest Balance (\$211,056.37) = Total outstanding balance (\$1,336,139.09) as of 07/1/2022.
- Northern Market on Extended 1 year Full Rent Deferral from 11/2021 to 10/2022.

➤ **Apra Harbor Parcel No. 1 (Commissary Junction): KwikSpace**

Monthly Rent	Outstanding Balance
\$3,989.13	\$3,989.13

- Last payment received on 6/10/2022

➤ **Apra Harbor Reservation F-12: Matson**

Monthly Rent	Outstanding Balance
\$ 27,733.00	\$ 55,466.00

- Last payment received on 6/13/2022.

➤ **Lot Apra Harbor Reservation F-12-R2: Trans Steel**

Monthly Rent	Outstanding Balance
\$ 500.00	\$9,100.00

- Tenant on a month-to-month tenancy and payment plan from May 2021 to present.
- Last payment received on 07/1/2022 in the amount of \$600.00



➤ **Tanguisson Cable Landing Station, Dededo (Lot 10192): AT&T**

Monthly Rent	Outstanding Balance
\$ 22,939.42	\$ 22,939.42

- Tenant makes regular monthly payments via EFT at the beginning of every month.

➤ **Lot Apra Harbor Reservation F-12 Polaris Point: Smithbridge Guam**

Limited Term Full Payment	Outstanding Balance
\$ 13,333.33	\$0

- Tenant on a limited term license agreement for rental of two (2) acres for three (3) months to commence on April 01, 2022 and end at midnight on June 30, 2022.
- Site inspection of property made on 7/01/2022 and is in original good condition.

➤ **Lot 10155-1: Farmers Cooperative Association of Guam (FCAG)**

Annual Rent	Outstanding Balance
\$ 3,252.90	\$ 3,252.90

- GEDA sent a letter to FCAG on 5/17/2022 requesting the following:
 - Lease payment for Year 2021. Pending payment as of 7/01/2022.
 - Financial report for CY 2021 to determine the amount due for year 2022. Pending response on request as of 7/1/2022.
 - FCAG Rep. Kathrina Reyes stated that they are still pending response from DRT regarding their non-profit status.

TIYAN PROPERTIES

➤ **Guam Environmental Protection Agency (GEPA)**

Monthly Rent	Outstanding Balance
\$ 8,000.00	\$ 224,000.00

- Tenant makes regular monthly payments via EFT before the end of the month.
- GEDA sent 1st Notice of Arrears on 06/22/2022.
- Last payment received on 06/06/2022.

➤ **DPHSS (WIC)**

Monthly Rent	Outstanding Balance
\$ 8,400.00	\$ 29,099.35

- Tenant makes regular monthly payments via EFT before the end of the month.
- GEDA sent 1st Notice of Arrears on 06/22/2022.
- Last payment received on 06/13/2022.

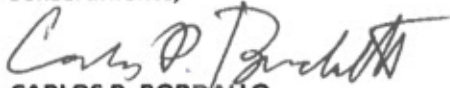
OTHER ITEMS

- **RFP 21-011 – For Lease and Development of Land Bank Trust Property: Lot Apra Harbor Reservations, F-12-1, portion of F-12-2, and F-12-3, Polaris Point, Piti**
 - As of 06/15/2022, Draft Lease Agreement is at AGs for review.
 - Recommending board approval on major lease negotiation terms. Pending AG's review.

- **3 House Lots – Tiyan (Lot 5175-1 & Lot 5182-1REM)**
 - Ongoing research for highest and best use of property.
 - Based on the research and information gathered, the properties are not affected by the Tiyan roadway project.

Should you have any questions, please contact us at 671-647-4332. *Si Yu'os Ma'ase'* for your continued support in generating revenues for the beneficiaries of the Trust.

Senseramente,



CARLOS P. BORDALLO
Deputy Administrator